

**Remarks / Discussion of Issues**

In the final Office action dated August 31, 2011, it is noted that claims 1-8 and 11 are pending and stand rejected.

By this response, claim 1 has been amended to clarify certain aspects of the claimed invention. Support for the claim amendments can be found at least at page 3, lines 5-7 of the specification as originally filed. No new subject matter is added.

Claims 6-8 are canceled herein without prejudice. Claims 9 and 10 were previously canceled without prejudice.

**Rejections under 35 U.S.C. §101**

Claim 7 stands rejected under 35 U.S.C. §101 as allegedly claiming software per se.

Claim 7 is canceled herein without prejudice, as such the rejection of claim 7 is moot. Applicants respectfully request the withdrawal of the rejection of claim 7 under 35 U.S.C. §101.

**Cited Art**

The art cited and applied in the present Office Action includes: U.S. Patent 6,078,328 to Schumann et al. (hereinafter referenced as "Schumann"), and U.S. Patent 7,046,260 to Frimout et al. ("Frimout").

**Rejections under 35 U.S.C. §102**

Claims 6-8 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Frimout.

Claims 6-8 are canceled herein without prejudice, as such the rejections of claims 6-8 are moot. Applicants respectfully request the withdrawal of the rejection of claims 6-8 under 35 U.S.C. §102(e).

**Rejections under 35 U.S.C. §103**

Claims 1-5 and 11 stand rejected under 35 U.S.C. §103(a) as allegedly being

unpatentable over Schumann in view of Frimout. Applicants respectfully traverse these rejections.

Claim 1

Applicants' claim 1 recites:

Method for generating a menu for a video recording medium, the menu showing a thumbnail representative of a recording on the video recording medium and being coded according to a standard using base pictures and predicted pictures, the method comprising:  
starting with a predefined intra-coded picture including predefined blocks,  
encoding, into selected blocks, the thumbnail representative of the recording on the video recording medium,  
generating, by a hardware encoder, an inter-coded picture having no change information for blocks of the inter-coded picture corresponding to the predefined blocks, and having change information for the selected blocks containing the thumbnail, and  
storing both the predefined intra-coded picture and the inter-coded picture as menu information on the video recording medium.  
Emphasis added.

Applicants respectfully submit that Schumann does not disclose the claimed "method for generating a menu for a video recording medium, the menu showing a thumbnail representative of a recording on the video recording medium."

For example, Schumann relates to video graphics produced within a compressed digital domain. Schumann, col. 1, lines 5-8. The invention of Schumann allegedly "enables graphics elements to be built, . . . for display at a user station." Col. 2, lines 47-49. The graphical elements "may comprise functional icons, such as buttons . . . , together with blocks of text or individual letters. . . ." Col. 4, lines 28-31. In Schumann, "the constructed P-frame may present a visual display of the button actually being pressed on the screen." Col 5, line 16-18.

In other words, nowhere does Schumann disclose that the menu being generated shows a thumbnail representative of a recording on the video recording medium, as recited in claim 1.

Additionally, Schumann does not disclose the newly clarified claim feature of "encoding, into selected blocks, the thumbnail representative of the recording on the video recording medium."

In contrast, Schumann, appears to relate to pre-defined and pre-compressed graphics elements such as fonts, buttons or graphics that are being selected and combined. However, Applicants respectfully submit that a person having ordinary skill in the art would not interpret a font, button or graphic to be equivalent to a thumbnail representative of the recording. Therefore, Schumann does not teach or suggest the encoding of thumbnails.

Frimout does not cure the deficiencies of Schumann as noted above with respect to claim 1. Furthermore, the Office does not rely on Frimout for suggesting the features of encoding, into selected blocks, the thumbnail representative of the recording on the video recording medium.

Therefore, claim 1 is patentable over the combination of Schumann and Frimout. Accordingly, withdrawal of the rejection to claim 1 under 35 U.S.C. § 103(a) and early allowance of claim 1 is respectfully requested.

#### Claims 2-5 and 11

Dependent claims 2-5 and 11 depend ultimately upon allowable claim 1. Each dependent claim incorporates all of the respective features of claim 1, from which they depend, in addition to containing further distinguishing patentable features.

Therefore, for at least the same reasons as discussed above with respect to claim 1, the combination of Schumann and Frimout does not teach or even suggest all the features of claims 2-5 and 11. Accordingly, withdrawal of the rejection to claims 2-5 and 11 under 35 U.S.C. § 103(a) and early allowance of the claims is respectfully requested.

#### Conclusion

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited.

If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (973) 401-7157, so that a mutually convenient date and time for a telephone interview may be scheduled.

Please charge any required additional fee or credit any overpayment to Deposit Account No. 07-0832.

Respectfully submitted,  
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